

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH F. SANDOVAL,

Plaintiff,

v.

CV No. 20-248 WJ/CG

CITY OF CLOVIS, *et al*,

Defendants.

**ORDER GRANTING IN FORMA PAUPERIS APPLICATION**

**THIS MATTER** is before the Court on Plaintiff Joseph Sandoval's *Motion to Proceed in Forma Pauperis* (the "Motion"), (Doc. 3), (Doc. 4). Plaintiff's financial information reflects he is unable to prepay the \$400 filing fee for his prisoner civil rights Complaint. Having reviewed the Motion, the Court finds it is well-taken and shall be **GRANTED**.

The Court will therefore reduce the fee to \$350.00 and allow Plaintiff to pay in installments. See 28 U.S.C. § 1915(b). Plaintiff must make an initial partial payment of "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." *Id.* Thereafter, Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2).

Plaintiff's inmate account statement reflects he receives average monthly deposits of \$67.31, and his average monthly account balance is \$65.25. (Doc. 3 at 3-4). The Court will assess an initial payment of \$13.46 (which is 20% of the greater figure,

\$67.31) pursuant to § 1915(b)(1)(A). The Court will generally not review the merits of Plaintiff's civil rights complaint unless the initial partial payment is paid or excused. If Plaintiff fails to timely make the initial partial payment, his complaint will be dismissed without further notice.

**IT IS THEREFORE ORDERED** that Plaintiff's *Motion for Leave to Proceed in Forma Pauperis* (Doc. 3), (Doc. 4), is **GRANTED**;

**IT IS FURTHER ORDERED** that by **May 25, 2020**, Plaintiff shall send to the Clerk an initial partial payment of **\$13.46** or show cause why the payment should be excused.

**IT IS FURTHER ORDERED** that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment.

**IT IS FINALLY ORDERED** that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE